

*** NOT FOR PUBLICATION ***

NO. 26130

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee

vs.

KYUNG JOONG KWON, Defendant-Appellant

APPEAL FROM THE FIRST CIRCUIT COURT
(FC-CR. NO. 03-1-1133)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon review of the record, it appears that this court informed Appellant by letter dated February 27 2004 that the time for filing the opening brief expired and that, pursuant to HRAP Rule 30, the matter would be called to the attention of the court for such action as the court deemed proper including dismissal of the appeal. On March 9, 2004, appellant was order to either file the opening brief or a dismissal of the appeal within 30 days from the date of the order and appellant was also ordered to show cause as to why he failed to file the opening brief. Appellant having failed to respond to the letter and the order or to otherwise oppose dismissal,

IT IS HEREBY ORDERED that the appeal is dismissed.

DATED: Honolulu, Hawai'i, April 15, 2004.